

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 19-CR-10459-RWZ-45

UNITED STATES OF AMERICA

v.

ALFRED NIEVES

ORDER

May 25, 2022

ZOBEL, S.D.J.

Petitioner, Alfred Nieves, pled guilty to an indictment charging him with conspiracy to conduct enterprise affairs through a pattern of racketeering activity, in violation of 18 U.S.C. § 1962(d). The applicable sentencing guidelines range was 46 to 57 months. The parties agreed to a binding sentencing range of 24 to 54 months. The government recommended a sentence of imprisonment for 54 months and Petitioner sought a sentence of 24 months. On July 21, 2021, this court sentenced Petitioner to imprisonment for 24 months. Nonetheless, Petitioner has filed a request for Compassionate Release. Docket # 2393. The government opposes based on an absence of extraordinary and compelling reasons for his release, the conditions at MCFP-Springfield, and the sentencing factors set forth in 18 U.S.C. § 3553(a). Docket # 2485.

The court may grant a motion for compassionate release "if it finds that . . . extraordinary and compelling reasons warrant such a reduction." 18 U.S.C. § 3582(c)(1)(A). Petitioner claims he is suffering from health issues including cystic

fibrosis and asthma. He also states that the Bureau of Prisons has failed to provide adequate medical care, citing as an example an infection that MCFP-Springfield medical personnel allegedly did not treat.

None of Petitioner's assertions satisfy the statutory requirements. Although his medical records show a history of cystic fibrosis and asthma, both appear to be under control. Moreover, the court considered his illnesses which contributed to the substantial downward variant sentence. In fact, all the records Petitioner submits with this motion predate his sentencing on July 21, 2021. Finally, his claim of inadequate medical care is not supported by any medical records or documentation of the care and treatment he received at MCFP-Springfield. He has also failed to provide his vaccination status and his medical records do not indicate that he has received the COVID-19 vaccine. As of May 24, 2022, MCFP-Springfield had zero COVID-19 positive inmates out of 1,000 total prisoners and one COVID-19 positive staff member.¹ Although Petitioner is concerned, the facts presented as to (1) the condition of MCFP-Springfield and (2) his health do not warrant release.

The Motion for Compassionate Release (Docket # 2393) is DENIED.

May 25, 2022

DATE



RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

¹ <https://www.bop.gov/coronavirus/> (last accessed May 25, 2022).